REMARKS/ARGUMENTS

Claims 1- 40 are pending in the present Application.

A selection of a single Group has been made, with traverse. Group III, which includes Claim 14, has been elected with traverse.

Claim 14 is currently dependent on Claim 10 as are Claims 11, 12, and 13. For this reason, Claim 14 has been amended to include the limitations of Claim 10. Claims 11, 12, and 13 have been canceled and entered as new Claims 41, 42 and 43 which are now dependent on Claim 14.

No new matter has been entered with the current amendments.

I. Restriction and Election under 35 U.S.C. 121

a. Restriction of Claims 1-40

According to the May 9, 2006 Office Action, Claims 1-40, of Groups I-XI, are allegedly distinct, each from the other because of the following reasons:

Group I. Claims 1-9, drawn to a genetically-modified non-human mammal comprising an alpha2/delta1 gene comprising an R217-like mutation, wherein the modification results in a mutated alpha2/delta1 gene encoding a polypeptide selected from the groups as recited in claims 2, 3 and 5, classified in classes 800, subclasses 14 and 18, respectively.

Group II. Claims 10-13, drawn to an isolated nucleic acid molecule having a sequence encoding a polypeptide comprising the sequence of SEQ ID No. 17, 18 or 19, or a nucleic acid sequence comprising SEQ ID No. 20, 21, 22, 23, or 24, classified in class 536, subclass 23.5.

Group III. Claim 14, drawn to a genetically-modified non-human mammal comprising the nucleic acid of claim 10, classified in class 800, subclass 14.

Group IV. Claims 17-23, drawn to genetically modified animal cell comprising a mutated gene encoding a polypeptide of claim 2, classified in class 424, subclass 93.21.

Group V. claims 24 and 25, drawn to a method of identifying a gene that demonstrates modified expression as a result of reduced alpha2/delta1 activity in an animal cell, classified in class 435, subclass 6.

Group VI. Claims 26 and 27, drawn to a method of identifying a protein that demonstrates modified expression as a result of reduced alpha2/delta1 activity in an animal cell classified in class 435, subclass 6.

Group VII. Claims 15, 16, 28 and 29, drawn to a targeting vector for producing a transgenic animal, a host cell comprising said vector, and a method of producing a transgenic animal by using a targeting vector, classified in classes 435 and 800, subclasses 320.1 and 25, respectively.

Group VIII. drawn to a method for determining whether the physiological effect of a compound on a disorder or activity involves alpha2/delta1 subunit polypeptide residues mediating the effect of an alpha2/delta1 ligand by using the mammals of claim 2, classified in 435, subclass 4.

Group IX. Claim 34, drawn to a method for identifying compounds that exert their physiological effect on a disorder or activity through an alpha2/delta1 subunit polypeptide by treating mammals of claim 2 and wild-type mammals with a test compound and compare the response, classified in class 800, subclass 3.

Group X. Claims 35-37, drawn to a method for identifying compounds that exert their physiological effect on a disorder or activity through an alpha2/delta1 subunit polypeptide by treating mammals of clam 2 with a ligand that binds an alpha2/delta1 subunit polypeptide and treating the wild-type mammals with a test compound and compare the response, classified in class 800, subclass 3.

Group XI. Claims 38-40, drawn to a method for determining a role of alpha2/delta1 polypeptide in an activity or disorder comprising subjecting the mammals of claim 2 and wild-type mammals to a procedure indicative of an activity or disorder and comparing the response, classified in class 800, subclass 3.

b. <u>Election of a Single Group from Groups I-XI, with Traverse.</u>

In response to the restriction, Applicants elect Group III from Groups I - XI, with traverse.

Claim 14 has been rewritten to include the limitations of Claim 10.

Claims 11, 12, and 13 are readable thereon.

c. Reasons for Traverse

Applicants respectfully traverse the restriction. According to MPEP § 803, two criteria are required for a proper restriction between possibly patentably distinct inventions. First, the inventions must be independent or distinct as claimed. Second, there must be a serious burden on the Examiner to search the invention(s).

First, the Applicants respectfully point out that while Group III has been elected in response to the present restriction requirement, Claims 10-13 of Group II are drawn to an isolated nucleic acid molecule having a sequence encoding a polypeptide comprising the sequence of SEQ ID No. 17, 18, or 19, or a nucleic acid sequence comprising SEQ ID No. 20, 21, 22, 23, 24, classified in class 536, subclass 23.5. Sequence ID 17, 18, and 19 should be classified in a single group since these represent three lengths of exon polypeptides with point mutations, where SEQ ID 17 is the shortest of the three polypeptides, the sequence of which is included in the two longer SEQ IDs 18 and 19, which are all readable on originally filed Claim 10. Claim 14 has now been amended to include the limitations of Claim 10. The Applicants therefore request that the restriction between Group II and Group III be withdrawn and the Claims of these two Groups in particular be included in the same Group.

In addition, the Applicants respectfully point out that many of the standing 40 claims are classified in the same class, and some of the claims are even classified in the same subclass. For example, claims 1-9, 14, 28-29, 34, 35-37, and 38-40 are classified in class 800. Some of these claims, such as claims 1-9, and 14 are classified in subclass 14. Similarly, claims 34, 35-37, and 38-40 are all classified in class 800 and subclass 3. Claims 24-25, 26-27, 15-16, and 30-33 are all classified in class 435. For these reasons, the Applicants do not believe that it would be a

serious burden on the Examiner to search the claims grouped into Groups 1-XI and respectfully request that the Office reconsider the present restriction requirement and withdraw the current restriction requirement, advancing prosecution of the present Application.

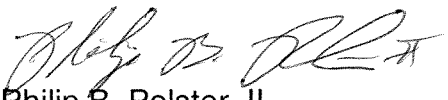
Moreover, the Applicants believe that it would be a serious burden on those interested in this Application, to research numerous divisional applications that would be necessary with the present eleven-way restriction.

According to 37 CFR 1.141, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim.

d. Conclusion

If the Examiner believes a telephonic interview with Applicant's representative would aid in the prosecution of this application, the Examiner is cordially invited to contact Applicant's representative at the below listed number.

Respectfully submitted,



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